

*AJ* 32. (NEW) The method of claim 1, wherein said marker is tissue factor.--

### REMARKS

The Examiner has indicated that the claims allegedly encompass 3 different inventions and has required election of one the inventions under 35 U.S.C. 121.

#### Applicants' Election

Applicants hereby elect to prosecute, with traverse, the claims encompassed by Group II, claims 1-24, drawn to a method for determining a dose of a compound wherein the compound is a receptor antagonist. Applicants have cancelled claims drawn to the non-elected subject matter, as discussed below.

#### Applicants' Traversal

Applicants respectfully traverse the requirement for restriction between Groups I and II. Where there is not a serious burden on the Examiner, restriction is not proper (*see* MPEP 803). Specifically, in the present case, there would not be a serious burden on the Examiner if restriction is not required between the groups as represented by the claims. It would not be unduly burdensome for the Examiner to search simultaneously for compounds which are receptor agonists or receptor antagonists. On this basis, reconsideration and withdrawal of the requirement are respectfully requested.

#### Applicants' Amendments

Claims 4, 12-14, and 25-26, drawn to the non-elected subject matter, have been cancelled without prejudice to or disclaimer of the subject matter contained therein. By canceling the non-elected claims, Applicants make no admission as to the patentability of the subject matter thereof. Applicants reserve the right to file continuation, divisional, or continuation-in-part applications drawn to the subject matter of the non-elected claims, as well as any other subject matter disclosed in the present application which is not encompassed by the elected claims.

Claim 5 has been amended to depend from claim 1, instead of the now-cancelled claim 4. New claims 27-32 have been added. No new matter has been added by these amendments. Support for the new claims is found in the specification as originally filed, and specifically as follows: page 23, lines 9-27 (claim 27); page 25, line 22, to page 26, line 8 (claim 28); page 26, lines 18-22 (claims 29-31); page 4, lines 6-7 (claim 32).

Applicants have attached herewith as Appendix A the text of the pending claims following the present amendments for the Examiner's convenient reference.

### CONCLUSION

In view of the above, Applicants respectfully submit that the claims are in condition of allowance. Applicants respectfully request that the Application be allowed and passed to issue. No fee is believed due in connection with the present response. If this is incorrect, please charge Lyon & Lyon Deposit Account No. 12-2475 for the appropriate amount. Should the Examiner believe that a telephone interview would aid in the prosecution of this application, Applicants encourage the Examiner to call the undersigned collect at (858) 552-8400.

Respectfully submitted,

LYON & LYON, LLP

Dated: January 18, 2000



---

Charles S. Berkman  
Attorney for Applicants  
Reg. No. 38,077

CSB:skt  
633 West Fifth Street, 47th Floor  
Los Angeles, California 90071-2066  
Telephone: (858) 552-8400